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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,703	03/19/2004	Sunny en Liung Huang	7476	7523

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EXAMINER

HOGUE, GARY CHAPMAN

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/804,703	Applicant(s) HUANG, SUNNY EN LIUNG	
	Examiner Gary C. Hoge	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-78 is/are pending in the application.
- 4a) Of the above claim(s) See Continuation Sheet is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 19, 21, 37, 38, 54, 55, 58, 59, 61, 66, 67, 69, 72, 77 and 78 is/are rejected.
- 7) ☐ Claim(s) 56 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/7/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims withdrawn from consideration are 16-18,20,22-36,39-53,57,60,62-65,68,70,71 and 73-76.

DETAILED ACTION

Election/Restrictions

1. Claims 16-18, 20, 22-36, 39-53, 57, 60, 62-65, 68, 70, 71 and 73-76 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on December 12, 2005.

Claim Objections

2. Applicant is advised that should claim 2 be found allowable, claim 21 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-15, 19, 21, 54, 69 and 72 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the recitation that the fastener that connects the panel to the container also connects it to another panel is misdescriptive. In the specification, separate fasteners are used to attach the panel(s) to the container and to each other.

Regarding claims 69 and 72, there is no antecedent basis for "the at least two panels."

Regarding claim 54, there is no antecedent basis for “said container.”

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 5, 7, 19, 37, 38, 55, 58, 59, 66, 67, 69, 72, 77 and 78 are rejected under 35 U.S.C. 102(b) as being anticipated by Hwang (5,551,370).

Hwang discloses a container **5**; at least one panel **12** connected to the container; and at least one fastener **22** connected to the panel for repeated engagement and disengagement of the panel to the container.

Regarding claim 5, see Fig. 1.

Regarding claims 19, 58 and 67, everything that is visible to the naked eye is reflective. Otherwise, it would be invisible.

Regarding claim 66, Hwang discloses three panels **12**.

Regarding claim 72, see Fig. 6.

Regarding claim 78, a “bag” is defined in the dictionary as “a piece of hand luggage, such as a suitcase or satchel.”

7. Claims 37, 55, 58, 59, 66, 67, 69, 72 and 77 are rejected under 35 U.S.C. 102(b) as being anticipated by Schulze (4,462,145).

Schulze discloses a collapsible warning device comprising at least one panel **204**, a fastener **210**, and two other panels that comprise a means for stabilizing the warning device.

Regarding claims 58 and 67, everything that is visible to the naked eye is reflective. Otherwise, it would be invisible.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-13, 15, 19, 21, 38, 54, 61 and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schulze (4,462,145) in view of Hwang (5,551,370).

See Figs. 25-28. Schulze discloses a collapsible warning device in the form of a triangular pyramid. Each panel comprises a wire frame and a web applied to the frame, the web being applied to the frame by a channel at the periphery of the web. However, the pyramid is not attached to a container. Hwang teaches that it was known in the art to attach a collapsible warning device to its own container. It would have been obvious to one having ordinary skill in the art at the time the invention was made to attach the collapsible warning device disclosed by Schulze to a container, as taught by Hwang, in order to better stabilize the device.

Regarding claims 3 and 4, the peripheral edges of the panels disclosed by Schulze are “adapted to” be removably attached to the container by a hook and loop fastener or a button, in that they are capable of such attachment, if desired.

Regarding claim 8, the means for providing access to the container is a slide fastener, as shown in Fig. 1. however, it is well known in the art to use a zipper to close a hand-held storage container. It would have been obvious to one having ordinary skill in the art at the time the

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invention was made to use a zipper to provide access to the hand-held storage container disclosed by Schulze as a matter of choice in design.

Regarding claim 12, Hwang teaches attaching the triangle to the container at the base of the triangle. In the rejection set forth above, applying the pyramid of Schulze to the container of Hwang would involve attaching the base of each triangle to the container. This would necessarily include the central panel.

Regarding claims 15 and 61, the bottom edge of the triangle disclosed by Hwang is attached by clamps. However, it is well known to removably attach things by a zipper and by hook-and-loop fastener. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use either method to attach the triangle to the container, as an obvious matter of choice in design.

Regarding claims 19, 58 and 67, everything that is visible to the naked eye is reflective. Otherwise, it would be invisible.

Regarding claim 78, a “bag” is defined in the dictionary as “a piece of hand luggage, such as a suitcase or satchel.”

Allowable Subject Matter

10. Claim 56 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Claim 14 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.


Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary C. Hoge whose telephone number is (571) 272-6645. The examiner can normally be reached on 5-4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gary C Hoge
Primary Examiner
Art Unit 3611

gch